

### **REMARKS**

Claims 25-40 are now pending, with claim 25 being the sole independent claim.

Claims 1-24 have been canceled without prejudice to or disclaimer of the subject matter recited therein.

Claims 25-40 have been added. Support for the reference to "auxin transport activity" in claim 25 is found at least in the paragraph beginning on page 5, line 36, and continuing to page 6, line 9, of the specification. Support for the sequence identities and the Clustal default parameters recited in claims 25-28 is found at least in the paragraph at page 11, lines 14-34, of the specification. Support for claims 29 and 30 is found at least in the original claim 2. Support for the use of the term "recombinant" in claims 32, 34, 35, 36 & 38, is found at least in the paragraph at page 9, lines 10-12, of the specification. Support for claims 31, 33, 35 and 36 are found at least in Examples 4-6, pages 32-36 of the specification and in the original claim 17. Support for claim 37 is found at least in the original claim 13. Support for claims 38-40 is found at least in the original claims 20-23. No new matter has been added.

The specification has been amended at two locations to remove reference to the following URL: [www.ncbi.nlm.nih.gov/BLAST/](http://www.ncbi.nlm.nih.gov/BLAST/).

A Correction of Inventorship Under 37 C.F.R. 1.48(b), along with the requisite fee, is filed simultaneously herewith.

### **RESPONSE TO RESTRICTION REQUIREMENT**

Applicants hereby elect, without traverse, Group I, claims 1-9, 11-13, 17, 19, and 20-23, drawn to an isolated polynucleotide, chimeric gene comprising said polynucleotide, host cell and virus comprising said polynucleotide and a method of selecting an isolated polynucleotide that affects the level of expression of a polypeptide.

Applicants further elect SEQ ID NOs:13 and 14, wherein SEQ ID NO:14 is an amino acid sequence encoded by nucleotides 171-1889 of SEQ ID NO:13.

Applicants submit that now pending Claims 25-40 are directed to Group I and SEQ ID NOs:13 and 14.

Please charge any fees or credit any overpayment of fees which are required in connection herewith to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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